IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) NO.774 OF 2005
IN
INSOLVENCY PETITION NO.52 OF 2005

Vithaldas Girdhardas Parekh .. Appellant.

V/s.

Suneel D. Mogre, HUF .. Respondent.

Mr.A.A. Udaipuri i/b. M/s.Udaipuri & Co. for the appellant.

Mr.N.C. Parikh i/b. Mansukhlal Hiralal & Co. for the respondent.

Mrs.Aruna Shah, Asstt. Master Official Assignee present.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 22ND AUGUST, 2005.

P.C. :

1. Mentioned. Not on board.

2. On the motion made by Mr.A.A. Udaipuri, learned counsel appearing for the appellant, the appeal is alowed to be withdrawn. The learned counsel appearing for the sole respondent has no objection if the liberty is granted to file fresh appeal in the event of same cause of action.

3. The appeal is allowed to be withdrawn, with liberty reserved in favour of the appellant. The

appeal is, accordingly, stands dismissed as withdrawn with no order as to costs.

4. Needless to mention that the notice of motion, if any, also stands dismissed as infructuous.

(V.C. DAGA, J.)

(J.P. DEVADHAR, J.)